A. Uniqueness: Subjecting juveniles to the death penalty would jeopardize all US diplomatic efforts. Before the US finally consented to not executing juveniles, our allies made it clear that foreign relations rested on our agreeing to do. If the US reneged, it would bring back this state of diplomatic chaos. Dieter[[1]](#footnote-1)

**Nowhere** is **[was] the U.S. in such** clear and **direct conflict with** the consensus of **international law as with the execution of juvenile[s]** offenders**[,]**. The practice of executing those who were under 18 at the time of their crime is **directly prohibited by the** International Covenant on Civil and Political Rights **(ICCPR),** by **the U.N. Convention on the Rights of the Child, and the American Convention on Human Rights[,]**. So broad is the acceptance of **[T]his ban** that it **is widely recognized as a norm of customary international law,** i.e., a principle **so universally accepted that it supersedes specific laws and treaties.**

**The ICCPR is perhaps the most important human rights treaty in existence**. The U.S. State Department praised it as "the most complete and authoritative articulation of international human rights law that has emerged in the years following World War II." The treaty was forged from the founding principle of the U.N.'s Universal Declaration of Human Rights, which states simply: "Everyone has the right to life, liberty and security of the person." Nowhere is the U.S. in such clear and direct conflict with the consensus of international law as with the execution of juvenile offenders

The ICCPR was adopted 18 years later and specifically addresses the death penalty and juvenile offenders in Article 6, which states, in part:

5. Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women.

Today, the ICCPR has received **[having] almost universal endorsement, with 144 countries as parties** to the treaty, including the U.S., which ratified the Covenant in 1992, but with reservations**.** Ratification of a treaty signals a country's willingness to be bound by the treaty. Reservations carve out some exception to the complete adherence by a country to a treaty. Substantive reservations, such as the one the U.S. took to the ICCPR to allow the continued execution of juveniles, are highly controversial.

One measure of **[T]he ICCPR**'s effectiveness **has [caused]** been **the virtual elimination of the execution of juvenile[s]** offenders around the world**. Amnesty International reported that since** 19**98 the U.S. was the only exception to the rule**, with four juvenile executions**.**

The U.N. Convention on the Rights of the Child also specifically prohibits the use of the death penalty for juvenile offenders. Article 37(a) of this treaty states: "Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age." Every country in the world has ratified this treaty, except the U.S. and Somalia. President Clinton has signed the treaty, but the Senate is concerned with the conflict between the death penalty practice of many states in the U.S. regarding juveniles and Article 37(a).

Similarly, the U.S. has signed but not ratified the American Convention on Human Rights. Twenty-five countries of the western hemisphere have ratified this treaty, which states: "[C]apital punishment shall not be imposed upon persons who, at the time the crime was committed, were under 18 years of age."

The U.S.'s full participation in these important human rights treaties is stymied by its continued use of the death penalty against juveniles. **It appears hypocritical for the U.S. to ask other countries to mend their human rights violations, when it refuses to join the mainstream on th[is]**e **important issue** of juvenile offenders**.**

In addition to compromising peacekeeping and human rights efforts, giving juveniles the death penalty would severely compromise relations with nearly all US allies and undercut the stability of international law. Dieter[[2]](#footnote-2) 2

**France**'s objection **criticized the U.S.**'s reservation **as: "incompatible with the** object and **purpose of the [ICCPR]** Convention**."**

-Sweden's Objection to U.S. Reservation to Art. 6, ICCPR **Sweden objected[,] [saying]** because:

**"[r]eservations of this nature** [allowing executions of juvenile offenders] contribute to **undermin[e]**ing **the basis of international treaty law.** All parties share a common interest in the respect for the object and purpose of the treaty to which they have chosen to become parties."

**The other countries objecting** to the U.S. reservation **were among the U.S.'s closest allies: Belgium, Denmark, Finland, Germany, Italy, Netherlands, Norway, Portugal, and Spain.**

B. Link: Treating juveniles as adults involves subjecting them to the death penalty.

C. Impact: Undermining the stability of international legal agreements coupled with the failure to continue various diplomatic efforts risks a nuclear apocalypse. Shaw[[3]](#footnote-3)

**Embedding global norms** and integrating new state centres **with global institutional frameworks [is]** are **essential to** the **control** of **violence.** (To put this another way: the proliferation of purely national democracies is not a recipe for peace.) Third, while the global revolution cannot do without the West and the UN, neither can it rely on them unconditionally. **We need** these **power networks**, but we need to tame them too, to make their messy bureaucracies enormously more accountable and **sensitive to the needs of society worldwide.** This will involve the kind of ‘cosmopolitan democracy’ argued for by David Held85**. It will** also **require us to advance a global social-democratic agenda**, to **[and] address the** literally **catastrophic scale of world social inequalities. This is not a separate problem: social** and economic **reform is an essential ingredient of alternatives to warlike and genocidal power**; these feed off and reinforce corrupt and criminal political economies**.** Fourth*,* **[I]f we need the global-Western state**, if we want to democratise it **and [want to] make its institutions friendlier to global peace and justice, we cannot be indifferent to its strategic debates. It matters to develop international political interventions, legal institutions and robust peacekeeping as strategic alternatives to bombing our way through zones of crisis.** It matters that international intervention supports pluralist structures, rather than ratifying Bosnia-style apartheid.86 As political intellectuals in the West, we need to have our eyes on the ball at our feet, but we also need to raise them to the horizon. We need to grasp the historic drama that is transforming worldwide relationships between people and state, as well as between state and state. We need to think about how the turbulence of the global revolution can be consolidated in democratic, pluralist, international networks of both social relations and state authority. We cannot be simply optimistic about this prospect. Sadly, it will require repeated violent political crises to push Western and other governments towards the required restructuring of world institutions.87 What I have outlined is a huge challenge; but **[T]he alternative is to see the global revolution** splutter into partial defeat, or **degenerate into new genocidal wars** - perhaps **[and] even nuclear conflicts.** The practical challenge for all concerned citizens, and the theoretical and analytical challenges for students of international relations and politics, are intertwined.

Nuke war means extinction, Hogan[[4]](#footnote-4):

In the fall of 1983, a group of scientists led by Carl Sagan introduced a new strain of apocalyptic discourse into the freeze debate: the rhetoric of nuclear winter. Simply stated, the theory of nuclear winter held that **[E]ven a small exchange** of nuclear weapons—on the order, perhaps, of 500 of the world’s 18,000 nuclear weapons—**would throw so much** dirt**, soot**, and smoke **into the atmosphere that the earth would be plunged into** darkness and subfreezing temperatures, **a “winter” lasting long enough to create** “a real possibility of the **extinction[.]** of the human species” Unlike doomsday scenarios that preceded it, **[T]he theory** of nuclear winter **was based upon “extensive scientific studies**,” **and** it had been **“endorsed by a large number of scientists.”**

And, extinction comes first:

a. It functions as an empirical constraint on all moral theories—it’s rationally impossible to accept the destruction of all human life because it would prevent any benefit—empirical logic come first—it tests analytical claims in the real world.

b. If you will an end, you must also will the necessary means—i.e. if he wills treating people as ends then it follows that he must first will that people are alive to practice that framework.

1. Dieter, Richard C. (Executive Director, Death Penalty Information Center) *International Perspectives on the Death Penalty: A Costly Isolation for the U.S.* (October 1999). <http://www.deathpenaltyinfo.org/international-perspectives-death-penalty-costly-isolation-us#juvoffenders> [↑](#footnote-ref-1)
2. Ibid. [↑](#footnote-ref-2)
3. 10/3/01 – Martin Shaw, Professor of International Relations and Politics at the University of Sussex. “The Unfinished Global Revolution: Intellectuals and the New Politics of International Relations” <http://www.martinshaw.org/unfinished.pdf> [↑](#footnote-ref-3)
4. Michael Hogan, *The Nuclear Freeze Campaign* (1994), p. 52. [↑](#footnote-ref-4)